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SUBJECT: PROSECUTOR SEEKS TO LIFT BEMBA'S IMMUNITY; SENATE
DEFERS DECISION

REF: KINSHASA 419

¶1. (SBU) Summary: The DRC's Prosecutor General has formally requested that the Senate lift Jean-Pierre Bemba's senatorial immunity. In naming Bemba as the "intellectual author" of the March 22-23 violence, the Prosecutor is seeking to lay the groundwork for holding Bemba legally liable for the actions of his guard force. The Senate's provisional leadership has responded by deferring a decision until the permanent leadership is elected. End summary.

¶2. (SBU) Prosecutor General Tshimanga Mubeka submitted a letter on April 10 to the provisional president of the Senate requesting that Bemba's senatorial immunity be lifted. Mubeka cited Bemba as the "intellectual author" of the March 22-23 violence in Kinshasa. Allegations in the letter include threatening internal state security, murder, armed robbery, and destruction of property.

¶3. (SBU) The Senate's provisional leadership responded on April 12 by saying it has no authority to decide on lifting immunity, and would defer a decision until the permanent leadership is elected. Making note of the Senate's currently limited powers, the provisional leadership said the issue will be addressed by the permanent leadership "in due course."

¶4. (SBU) We spoke with a Senate official on April 13 who had helped draft both the Prosecutor's request and the Senate's response. The official noted that the Prosecutor did not call for immediate action, and that there is no urgency to make a decision.

¶5. (SBU) A rally took place on April 13 on the grounds of Kinshasa's Martyrs' Stadium, with anti-Bemba demonstrators calling for Bemba's immunity to be lifted. A group estimated by the ARSO to number around 2000 then marched peacefully in the Gombe area.

¶6. (SBU) Comment: With Bemba now in Portugal for medical treatment, it is not surprising that hard-liners are taking advantage of his absence to call for him to be prosecuted. It is too early to tell whether cooler heads will eventually prevail. End comment.

MEECE